

11321-P012USD9

PATENT

Remarks

Claims 117-122, 127-140 and 163-177, and 184-214 are pending in the Application.

Claims 117-122, 127-131, 135-140, 163-166, 168-177, 184-207, and 209-213 are previously pending claims rejected per the last received Office Action of August 16, 2004.

Claims 117, 119, 121, 131, 135-136, 171-172, 174, 176, 200, 203, 209, 211, and 213 are amended herein.

Claims 118, 173, 204, 207, and 210 are cancelled herein without prejudice.

I. 1.111 AMENDMENT OF JANUARY 18, 2005

This Supplemental Amendment supplements the 1.111 Amendment filed by Applicant on January 18, 2005. To the extent not inconsistent with this Supplemental Amendment, Applicant herein repeats and incorporates the 1.111 Amendment in its entirety in this Supplemental Amendment. For clarification purposes, Applicant has amended the claims to reflect the amendments to the claims and the changes thereto as compared to the claims reflected in the 1.111 Amendment.

II. EXAMINER TELEPHONE DISCUSSION OF MAY 3, 2005

On May 3, 2005, the undersigned counsel for Applicant and Dr. Ken Smith, a co-inventor of the Application, had a telephone discussion with the Examiner to discuss the Application, the prior restriction requirement, and the use of the term "precursor" in the claims. Applicant and its counsel appreciate the opportunity to have this discussion and wish to thank the Examiner for this discussion.

III. RESTRICTION REQUIREMENT CLARIFICATION

During the telephone discussion with the Examiner, Applicant became aware that there was some confusion respecting the restriction requirement issued by the Examiner and the scope

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by which he was restricting the claims. Applicant now understands that the restriction requirement required an election between embodiments of the invention in which the claims include a limitation directed to a "matrix material precursor" and/or the use thereof and embodiments of the invention in which the claims do not include such a limitation. Applicant apologizes for any confusion resulting from this misunderstanding.

As discussed in the telephone discussion with Examiner, Applicant has elected to proceed with the claims directed to embodiments that do not include such a limitation directed to a "matrix material precursor" and/or the use thereof.

Applicant has thus modified Claims 131 and 135-136 to amend the claim language from "matrix material precursor" to --matrix material--. Applicant has further cancelled Claims 204, 207, and 210 as these are the only remaining claims that included the term "matrix material precursor." As to Claims 209 and 211, which had depended on now cancelled Claim 204, Applicant has amended these claims to now depend from Claim 203.

Applicant further notes that it intends on filing a divisional patent application directed to the embodiments of the invention in which the claims include a limitation directed to a "matrix material precursor" and/or the use thereof.

IV. OTHER AMENDMENTS

During the telephone discussion with Examiner, there was further discussion respecting Applicant's election to prosecute the invention of "polymer" (matrix material) and "carbon" (structured material). As a result of this discussion, Applicant has herewith amended the claims to further reflect this election. The remaining amendments and cancellation of the claims are so directed.

V. CONCLUSION

As a result of the foregoing, it is asserted by Applicant that the Claims in the Application are now in a condition for allowance, and respectfully requests allowance of such Claims.

Applicant respectfully requests that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any

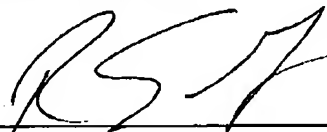
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remaining problems.

Respectfully submitted,

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